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10/585,973

06/13/2008

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EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/585,973 | Applicant(s) BANATRE ET AL. | |
| | Examiner HARISH T. DASS | Art Unit 3692 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/13/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority: Jan 14, 2004.

Status of Claims:

Claims 1-2, 4-24 are pending, where claim 3 is missing or it is a type error in numbering.

IDS: One of the IDS is not in English and it has not been considered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 4-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, claim 1 lines 9-10 "(IDS) transmitted by a mobile terminal present in the zone against a unique temporary code (IDT)" is not clear and specification does not describe this feature in a clear way. Fix the limitation based on specification to provide a clear limitation.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the access control" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebetciouglu et al. (Sebetciouglu - US 5,719,918) in view of Jacobson (US 2003/0004876 A1).

Re. Claims 1-24, Sebetciouglu discloses a station capable of carrying out a transaction;
and

an **apparatus** capable of setting up a wireless communication network with one or more mobile terminals, based on a connection protocol, as well as a communication with the station,

wherein the **connection protocol** is configured to allow the initial exchange of an identity information (IDS) transmitted by a mobile terminal present in the zone against a unique temporary code (IDT) (PIN), such **exchange** being followed by the launch of a background function allowing the preparation of at least part of a transaction on the basis of the identity information (IDS), and

wherein the station is capable, upon presentation of the unique temporary code (IDT), of recovering then completing as required and validating the transaction.

wherein the station is configured to form part of a wireless communication network of the said apparatus.

wherein the background function is launched upon receipt of a message or through the communication apparatus.

wherein the background function is implanted at least in part in the station or in a local network of which the station forms part.

wherein the background function is implanted at least in part in the apparatus.

a communication unit capable of allowing a communication with a remote server, and in that the preparation of transaction comprises at least one verification linked to the said identity information (IDS), and carried out by interrogation of the remote server.

the presentation of the unique temporary code (IDT) to the station is carried out from the mobile terminal.

the station comprises a verification function capable of comparing the value of the unique temporary code (IDT) presented with a value of the reference unique temporary code (IDT) and whose result is a condition of validation of the transaction [see enter document particularly - Abstract; Figures 2-6, 10, 12 and associated descriptions; col. 1 lines 9-60, col. 3 line 1 through col. 4 line 4 (cellular telephone Network, apparatus, unique code), col. 5 line 57 through col. 6 line 46, col. 15 line 28 through col. 16 line 54,].

Jacobson discloses wherein the **apparatus is configured** with a perimeter selected to cover a determined zone, close to the station (small radius tens of meters);

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wherein the apparatus is configured to operate according to a short-range radio communication standard;

wherein the apparatus is configured to operate according to the Bluetooth or NFC standard;

the non-prepared part of the transaction comprises a financial element, and wherein the interrogation of the remote server comprises a credit verification linked to the identity information (IDS).

the interrogation of the remote server comprises a credit verification for an amount linked at least in part to a class of transactions carried out by the station and to the identity information (IDS).

the interrogation of the remote server comprises a credit verification for an amount defined by complementary data established during the initial exchange.

wherein the transaction comprises a cash withdrawal.

the transaction is a commercial transaction (inherent).

the transaction is of the access control type (card controlled).

the station further comprises an interrogation function configured to set up as the value of the reference unique temporary code (IDT) a value of the unique temporary code (IDT) recorded in a memory of the mobile terminal.

the station comprises a capture element for presentation of the unique temporary code (IDT).

the value of the reference unique temporary code (IDT) is transmitted by the mobile terminal.

wherein presentation of the unique temporary code (IDT) to the station is carried out from the mobile terminal through the same wireless communication network.

a monitor function capable of cancelling a transaction prepared according to a selected expiry criterion (inherent in card authorization - card has expiry date).

the apparatus is configured to operate according to a short range radio communication standard.

wherein the interrogation of the remote server comprises a credit verification for an amount defined by complementary data established during the initial exchange [see entire document particularly - Abstract; Figures 4-5; paragraphs 02, 07-08,26, 100-101, 106,110, 121-129, 134,158]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine modify the disclosure of Sebetciouglu and Jacobson to provide a transaction system with wireless device and plurality of bases station using short message service center and mobile terminal for paying for purchases using credit card and/or using ATM functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARISH T. DASS whose telephone number is (571)272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/

Primary Examiner, Art Unit 3692

3/30/2009